

ENROLLED
1983 Legislature

1st AMENDMENT
CHAPTER 83 - 385, LAWS OF FLORIDA
EFFECTIVE DATE - OCTOBER 1, 1983
HB 0980, 1st Engrossed

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An act relating to Gasparilla Island, including Boca Grande Isles and Gasparilla Golf Course Island, Three Sisters Island, Hogans Key, and Loomis Island, located in Charlotte County and Lee County; amending s. 4, chapter 80-473, Laws of Florida; defining the term "dwelling unit"; restricting the density of dwelling units; providing criteria for computing density; providing for construction of single-family dwellings on substandard lots under certain circumstances; restricting the commercial, industrial, or multifamily use of land to those lands zoned for such uses prior to the effective date of chapter 80-473, Laws of Florida; prohibiting local governmental bodies and agencies from granting variances or exceptions to the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 4 of chapter 80-473, Laws of Florida is amended to read:

Section 4. Restrictions on density, height, land uses and advertisement.

(1) "Dwelling unit" means a room or group of rooms designed, used, or intended as a single habitable unit which provides permanent, semi-permanent, or transient living and sleeping facilities, whether or not it contains cooking or kitchen facilities. "Dwelling unit" includes, but is not limited to, single family residences, a residence within a 2-family or multi-family structure, and hotels, motels, and other commercial rental units.

(2) (4) No building or other structure shall be erected or altered within the district so that the peak of the roof is more than 38 feet above the average grade of the lot or parcel on which the building or structure is located, or is more than 42 feet above mean sea level, whichever is lower.

~~(3) (2) No parcel of land within the district shall be utilized so that the density of dwelling units per acre (including commercial rental dwelling units) exceeds five dwelling units per acre, except the dwelling unit construction allowed under subsection (5) and except dwelling units in existence on the effective date of chapter 80-473, Laws of Florida. If such existing dwelling units compute at a higher density than five units per acre, no additional dwelling units shall be added. The right to repair or rebuild any such nonconforming existing dwelling units having a higher density utilization than allowed hereunder, shall be governed by the local government zoning regulation. The density of any development which includes dwelling units, whether or not it includes commercial rental dwelling units, shall not exceed 5 dwelling units per acre, in computer such density, only land above mean sea level contiguous and under single ownership may be utilized. Parcels which are bisected by a publicly dedicated road, including state and county roads, shall not be considered contiguous for the purpose of computer density hereunder.~~

(4)(3) In computing the density of dwelling units, only land above mean sea level, contiguous and under single ownership, may be used. Only the number of dwelling units represented by a full fraction of five shall be permitted, and, if the land is less than one acre, the density shall be reduced proportionately. Parcels that are bisected by publicly dedicated walkways or roads, including state and county roads, shall not be considered

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

~~continuous for the purpose of computing density hereunder. A single family dwelling may be constructed on lands zoned for such use, including lots which were plotted and recorded prior to the effective date of this act or lands rezoned for single family use after the effective date of this act. Notwithstanding the use of non-conforming lots shall be by local zoning regulations.~~

~~(5) (4) One single-family dwelling may be constructed upon either a single substandard lot or a grouping of such lots under one ownership, which lot or lots are a part of a subdivision that was officially platted and recorded prior to the effective date of chapter 80-473, Laws of Florida, provided such construction is allowed under the local government zoning regulations. If a transfer of ownership of two or more of said substandard lots that are continuous occurs (other than by inheritance or will) subsequent to the effective date of this 1983 act, the density and other limitations and restrictions of this act shall apply. No land within the district shall be used for commercial, industrial, or multifamily purposes except land that was zoned for such use prior to the effective date of this act. Nothing contained in this act shall preclude maintenance of fuel supply facilities or existing ports or off-loading facilities.~~

~~(6) No land within the district shall be used for commercial, industrial, multi-family or duplex purposes, except land that was zoned for such use prior to the effective date of chapter 80-473, Laws of Florida; provided, however, that, in any event, any dwelling units constructed subsequent to the effective date of chapter 80-473, Laws of Florida, shall not exceed a density of five dwelling units per acre. The only zoning change permissible within the district, subsequent to the effective date of chapter 80-473, Laws of Florida, is zoning change to a single-family residential classification. Nothing contained in this act shall preclude maintenance of fuel supply facilities at existing ports or off-loading facilities.~~

~~(7) No local governmental body or agency shall have the authority to grant variances or exceptions to the height, density, or sign requirements, or to any other provision or requirement of this act.~~

~~(8)(5) No exterior advertising sign shall be erected or displayed within the district except on-site signs which relate in subject matter to the premises on which they are located. Exterior advertising signs which are banners, beacons, neon, rotating, flashing or animated are prohibited.~~

~~(9)(5) This section shall not render legally existing structures or and/or signs unlawful.~~

Section 2. This act shall take effect October 1, 1983.